

Ser. No. 09/804,975
Response to the Office Action of 20 March 2003
Atty Docket No. 117163-17

REMARKS

Abstract

The Examiner's objection to the abstract is noted and an edited abstract is presented in the foregoing amendments.

Specification

The Examiner has objected to the disclosure as to not providing an understandable meaning to the word "period". As now amended, claim 1 requires that the edge contours have a periodic wave-like configuration. This is supported in the specification. The presence of a periodic wave-like configuration in the edge contour effectively defines a length dimension in the peripheral direction of the stent and will clearly be understood by a person of ordinary skill.

The specification is amended at paragraphs [0042] and [0043] to remove reference to the part number for the tubular portion 8, which is really not shown in Figures 5 and 6. Instead, applicant relies upon the identification of the stent 1 from Figure 1 in paragraph [0042] and upon identification of stent 1' from Figure 7 (as supported by the text at paragraph [0045]), as identifying material in Figs. 5 and 6.

Drawings

The Examiner has objected to the drawings for failing to show "the tubular portions 8" that are supposedly shown in Figures 5 and 6. A close review of this matter indicates that these Figs. really do not show "tubular portions" in the same manner that they are shown in Figure 1 (for Fig. 5) or Figure 7 (for Fig. 6). By amendment to conform the drawings with the text, Figure 6 is amended by adding reference numeral 1' and by changing 10 and 20 to 10' and 20', respectively.

In reviewing the specification, it has become clear that Figures 3 and 4 represent a device as known in the prior art, rather than a depiction of the present invention. Therefore, these drawings have been amended to include the legend "Prior Art." Support for this is found at paragraphs [0034] and [0041].

Claims

Claims 1-5 and 7-58 were pending in this matter on the date of the Office Action. Of these, claims 1, 4-5, 7-8, and 12-57 have been amended and claim 58 has been cancelled.

Ser. No. 09/804,975

Response to the Office Action of 20 March 2003

Atty Docket No. 117163-17

35 USC §112 Rejections

The Examiner has rejected claims 4, 5, 7, 8, 12-55, and 57 as being indefinite. This occurred through a prior amendment to claim 1, in which the phrase "first connecting means" was changed to "first connecting bar." Therefore, claims 4, 5, 7, 8, and 12-53 have been amended to replace the recitation "the first connecting means" with "the first connecting bar."

35 USC §102 Rejections

Moriuchi (US 5,879,381)

Claims 1-5, 7, 8, and 10-53 stand rejected as being anticipated by U.S. Patent 5,879,381 to Moriuchi et al. ("Moriuchi '381").

Moriuchi '381 is a reference first cited by the Examiner in this Office Action. Because claim 1 has been amended, it is not particularly useful to refer to the Examiner's characterization of Moriuchi '381 with respect to claim 1. Instead, amended claim 1 needs to be read onto the teachings of Moriuchi '381.

Moriuchi '381 teaches a "stent", so it meets the limitation of the preamble.

Beyond that point, amended claim 1 sets out two further sets of limitations. As will be shown, Moriuchi '381 teaches embodiments which each meet one of the sets of limitations, but none of the embodiments meet both sets.

The first set of limitations is:

"at least two tubular portions, arranged adjacently in a longitudinal direction of the stent, each said tubular portion comprising a plurality of interconnected, substantially cell-shaped elements, the cell-shaped elements in adjacent tubular portions ^{coaxially} being aligned parallel to each other in a longitudinal direction of the stent, the adjacent tubular portions being connected together in the longitudinal direction of the stent by way of at least one first connecting bar that extends substantially parallel to the longitudinal direction."

The important characteristic of this set of limitations is the parallel arrangement of the cell-shaped elements in the longitudinal direction. This feature is seen in the embodiments of

Ser. No. 09/804,975

Response to the Office Action of 20 March 2003

Atty Docket No. 117163-17

Figures 1-3 and 5-7 of Moriuchi '381. The embodiments shown in Figs. 8, 9 and 12 do not meet this requirement, as they show the cell-shaped elements in adjacent tubular portions to be aligned in a staggered manner, or, to put it another way, they are aligned along a diagonal in the longitudinal direction. Applicant admits that Moriuchi '381, in all embodiments, seems to show "the adjacent tubular portions being connected together in the longitudinal direction of the stent by way of at least one first connecting bar that extends substantially parallel to the longitudinal direction."

The second set of limitations is:

"wherein the elements are of such a configuration that the ends of the elements which are in the longitudinal direction of the stent define an edge contour extending around the stent in a periodic wave-like configuration in a peripheral direction thereof, wherein the mutually adjoining edge contours of adjacent tubular portions extend around the stent substantially in an in-phase relationship."

The important characteristic in this set of limitations is the substantially in-phase relationship of the "wave-like" mutually-adjoining edge contours of the adjacent tubular portions. When Moriuchi '381 is examined, it is noted that the figures are again grouped together, with Figs. 1-3 and 5-7 not meeting the limitation and Figs. 8, 9 and 12 meeting the limitation.

What this leads to, then, is a conclusion that Figs. 1-3 and 5-7 meet the first set of limitations, but do not meet the second set, and that Figs. 8, 9 and 12 meet the second set of limitations, but do not meet the first set. Hence, none of the figures of Moriuchi '381 (Figs. 4, 10, 11 and 13 do not show sufficiently full embodiments to be used in the analysis) meet both sets of limitations.

As amended, claim 1 does not read onto Moriuchi '381 and, therefore, it is not anticipated.

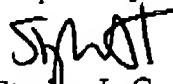
Ser. No. 09/804,975
Response to the Office Action of 20 March 2003
Atty Docket No. 117163-17

35 USC §103 Rejections

The Examiner has also rejected claims 9 and 54-58 under 35 U.S.C. § 103(a) as being either unpatentable over the Moriuchi '381 patent in view of U.S. Patent 5,968,093 to Kranz ("Kranz '093"). Applicant respectfully notes that Kranz '093 and the present application are commonly-owned by Biotronik Mess- und Therapiegeraete Ingeniuerbuero Buero of Berlin, Germany. As claim 58 has been cancelled and claims 9 and 54-57 each depend, either directly or indirectly, from independent claim 1, which is now believed to be allowable as amended, applicant submits that claims 9 and 54-57 are now in condition for allowance.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the claim amendments made above. After such reconsideration, it is urged that allowance of all claims will be in order.

Respectfully submitted,



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